

REMARKS

Rejections Under 35 U.S.C. § 103

Claims 1-8, 10-12, 16, 21-28, 30-32, 36, 41-48, 50-52, 56, 61-68, 70-72 and 76 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Young (U.S. patent application publication no. 2003/0142957) in view of Rosetti (U.S. patent application publication 2005/002242). Claims 9, 29, 49 and 69 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Young in view of Rosetti and in further view of Arsenault (U.S. Patent 6,701,528). Claims 13, 33, 53 and 73 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Young in view of Rosetti and in further view of Javed (U.S. patent application publication no. 2002/0162112). Claims 14, 34, 54 and 74 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Young in view of Rosetti and in further view of Proehl (U.S. Patent 6,532,589). Claims 15, 35, 55 and 75 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Young in view of Rosetti and in further view of Proehl and Yoshinobu (U.S. Patent 5,734,444). Claims 17, 19, 37, 39, 57, 59, 77 and 79 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Young in view of Rosetti and in further view of Ismail (U.S. Patent 6,614,987). Claims 18, 38, 58, and 78 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Young in view of Rosetti and in further view of Proehl and Ismail. Claims 20, 40, 60 and 80-84 were rejected as being allegedly unpatentable under 35 U.S.C. § 103(a) over Young in view of Rosetti and in further view of Allport (U.S. Patent 6,483,548).

Applicants respectfully traverse these rejections.

Independent Claims 1, 21, 41 and 61

Independent claims 1, 21, 41 and 61 were rejected under 35 U.S.C. § 103(a) over Young in view of Rosetti. Applicants traverse.

Applicants' claimed invention is directed to providing a user with program information using an interactive television program application implemented at least partially on user equipment. A displayed list of programs includes, *inter alia*, at least one cell in the grid corresponding to a listing of a past, unrecorded program, which also includes an indicator that indicates that the program is no longer available for viewing by the user.

The Office Action contends that the combination of Young and Rosetti discloses all of the features of applicants' invention. However, applicants disagree with this contention, for at least the reason that the Office Action has mischaracterized the disclosure of Rosetti in making this rejection. As a result, the Office Action has improperly rejected claims 1, 21, 41 and 61.

Rosetti refers to a program guide with programs in "time slots." (Rosetti at ¶ 0029 and FIG. 4). In Rosetti's guide, all past programs are "shaded." Rosetti does not show or suggest that shading indicates anything other than a past program. Rosetti also refers to programs "which have been

recorded or requested to be recorded" in the program guide as being indicated by a "*" [asterisk]. (Rosetti at ¶ 0030.) Likewise, Rosetti does not show or suggest that the presence of the asterisk indicates anything other than that the program that has been or will be recorded. Neither the shading (which only indicates something is in the past) nor the asterisk (which only indicates recording status) is shown or suggested by Rosetti to indicate that a program is no longer available for viewing, as required by applicants' claims.

Nonetheless, the Examiner contends that the shading and asterisk in Rosetti teaches applicants' feature of displaying a listing of a past, unrecorded program that includes an indicator that indicates that the program is no longer available for viewing by the user. (Office Action at page 5, 2nd paragraph.) For at the least the following reasons, applicants respectfully submit that this contention is incorrect, and thus the rejection is improper.

First, applicants respectfully submit that Rosetti does not show or suggest that either its shading or asterisk is indicative of a program that is "no longer available for viewing." Indeed, Rosetti states that the shading and asterisk only indicate "past" programs and "recorded" programs, respectively; it does not show or suggest that either indicator relates to programs that are no longer available for viewing. Thus, Rosetti fails to show or suggest all of the features of applicants' claimed invention.

Second, applicants respectfully submit that, at best, the Examiner's rejection is based on a mischaracterization of Rosetti. In particular, the Examiner provides two unsupported

statements regarding Rosetti: "[o]nly recorded programs from the past can be played back from the recording source, and unrecorded programs from the past cannot be played back to the user." (*Id.*) Rosetti does not show or suggest either of the foregoing statements and, furthermore, the Examiner fails indicate or provide support for either statement. Thus, applicants submit that both of the foregoing statements are based on an improper and unsupported reading of Rosetti.

Finally, the only way a user could be informed using the Rosetti system that a past program is no longer available for viewing, as required by applicants' claims, would be by combining the shading indicator with the asterisk (which is not shown or suggested by Rosetti), and by making an unwarranted presumption that is neither shown nor suggested in Rosetti. In particular, the user would have to (1) first identify that the program is in the past (using the shading indicator), (2) make a determination (by the absence of an asterisk) that the program was not recorded, and (3) assume, without basis, that such a program is no longer available for viewing. Applicants' claimed invention reduces this burden on the user by having the system (instead of the user) make this determination and, furthermore, inform the user by way of a specific indicator that the past, unrecorded program is no longer available for viewing.

Thus, Rosetti does not make up for the deficiencies of Young relative to the rejection.

Therefore, because Young and Rosetti, whether taken alone or in combination, do not show or suggest all of the

features of applicants' claimed invention, applicants submit that claims 1, 21, 41 and 61 are not rendered unpatentable by Young and Rosetti. For at least this reason, reconsideration and withdrawal of this rejection is respectfully requested.

Dependent Claims 2-20, 22-40, 42-60 and 62-84

The rejections of claims 2-20, 22-40, 42-60 and 62-84 under 35 U.S.C. § 103(a) are all predicated on the same alleged disclosures in Young and Rosetti as relied on for the rejection of claims 1, 21, 41 and 61. Moreover, none of the additional cited documents would have remedied the deficiencies, as discussed above, of Young and Rosetti.

Therefore, applicants submit that claims 2-20, 22-40, 42-60 and 62-84 are also patentable for at least the reasons that their respective independent claims are patentable. However, applicants expressly reserve their right to argue the patentability of any dependent claim, or any other feature not discussed herein, in a future proceeding.

Conclusion

Applicants respectfully submit that all of the pending claims are in form for allowance. If the Examiner believes, however, that any matters remain outstanding, applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,

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